

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR 16 1993

92-297 /
March 12, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MAR 16 1993

FCC MAIL ROOM

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Request for Comments Regarding FCC 92-538 Notice
of Proposed Rulemaking and Tentative Decision proposing
a redesignation of use of the 28 GHz band from point to
point microwave common carrier service to a local
multipoint distribution service (LMDS)

Dear Ms. Searcy:

We, the Box Springs Educators, are the license holders to sixteen ITFS channels on Box Springs Mountain, in Riverside, California. We lease excess capacity on these channels to the Cross Country Wireless Cable Company. We endorse the Commission's proposal to license frequencies in the 28 GHz band. We encourage the Commission to allow an educational set-aside of no less than one half of this band. We also desire excess capacity leasing rules similar to those available for ITFS.

We have serious concerns about some of the details in the NPRM. Particularly we are troubled that the bandwidth allocations and service areas are so large that many educators would not have access to funding necessary to develop the service.

Our comments to specific paragraphs in FCC 92-538 follow.

Paragraph 21. The Commission proposes to license the band in two blocks of 1000 GHz each to two different carriers. We believe that given the tremendous amount of programming that can be placed in a 1000 GHz band, this bandwidth is more than many programmers might need. Also there will be many Basic Trading Areas for which more than two deserving applicants will exist. Therefore, we believe that the example presented in Paragraph 21, which suggests two groups which could accommodate approximately 34 video channels on one polarization, with two other groups which could accommodate approximately 15 video channels represents the minimum number of subdivisions that should be applied to this band. Each spectrum block allocated would afford licensees the opportunity to supplement the programming using the opposite polarization, frequency offsets, and the multicell distribution structure.

No. of Copies rec'd
0419
UNADDED

Paragraph 32. We agree that although the Commission may use 20 MHz channels for licensing purposes, once licensed, the licensees should not be restricted to specific bandwidths or emission characteristics. Licensees should be permitted maximum flexibility in how the spectrum is used. They should be permitted to alter the traffic mixes within their frequency assignments in order to provide a variety of services depending on local needs.

Paragraph 30. The proposal to license LMDS by the 487 Basic Trading Areas identified in the 1992 Rand McNally Commercial Atlas and Marketing Guide is unacceptable to us for the following reasons:

1. the Los Angeles BTA, an area of approximately 200 by 300 miles, is an area of diverse topography, ethnicities, cultures, and lifestyles. Possibly as many as 25 million people live in this area, including residents of central Los Angeles, the suburbs, isolated desert areas, and residents of Native American reservations many miles from sizable communities. It is difficult to imagine one operator who would address the need of these many communities.

For commercial operators, using BTA's would exacerbate an existing undesirable condition in our local area, that is, that most media is focussed on Los Angeles. With a population of only a few million, the inland valley in which we operate is dwarfed by Los Angeles and Orange Counties, and receives little attention from broadcasters.

From the view of potential educational licensees, this area is so large and diverse that it would be difficult to service by a consortium such as our's. Consortia large enough to service this area would involve such large numbers of institutions and associated personnel as to be difficult to manage.

For both commercial and educational licensees, Riverside and San Bernardino counties must be separated from Los Angeles and Orange Counties.

2. The proposed combination of licensing using BTAs along with the requirement to service ninety percent of the population within three years would be so expensive that only a few commercial operators could capitalize such an endeavor. The ten percent not served might very likely be many of the same people not served by existing broadcasters.

From the educators' perspective, the combination of using BTAs along with the huge amount of bandwidth to be allocated would require capital investments so large that even state wide agencies could not afford to initiate service.

3. If Suite 12 Group is granted a pioneer's preference for Los Angeles and current proposals are adopted, only one other licensee would be permitted in the Los Angeles BTA. This is not acceptable.

Paragraph 39. We agree that licensees should be barred from transferring licenses until a system is constructed and in operation. This will help to insure sincere applicants.

Paragraph 40. Even with renewal expectancy rules, a five year license term is too short to encourage investment by either commercial interests or educators. A ten year term is appropriate.

Paragraph 41. To further encourage sincere applicants, we agree applicants must demonstrate they are willing and able to construct facilities and begin programming.

Paragraph 47. We believe educators should be permitted to apply for waiver of any requirement to service 90 percent of a service area's population within three years.

Paragraph 50. We believe non-commercial educational applicants should be exempt from the \$155 per station application fee and the \$455 fee for each of the fifty 20 MHz channels upon completion of construction.

We appreciate the Commission's attention to our comments.

Respectfully submitted,

The Box Springs Educators
(signature pages attached)

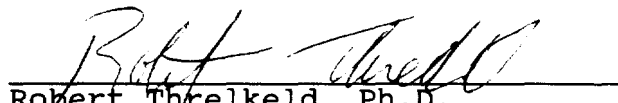
If there are any questions concerning these comments, please contact Norm Wagner of the University of California, Riverside at (714) 787-3041; Georgia Todd or Robert Threlkeld at (714) 869-2258 at California State Polytechnic University, Pomona; Lew Warren of San Bernardino Community College at (714) 888-6611, extension 1612; or Clare Colella of the Diocese of San Bernardino at (714) 384-8209.

Box Springs Educators' Comments Regarding FCC 92-538 Notice of Proposed Rulemaking and Tentative Decision proposing a redesignation of use of the 28 GHz band from point to point microwave common carrier service to a local multipoint distribution service (LMDS)

Respectfully submitted,

The California State Polytechnic University at Pomona

By:


Robert Threlkeld, Ph.D.
Director
Distance Learning Center

Box Springs Educators' Comments Regarding FCC 92-538 Notice of Proposed Rulemaking and Tentative Decision proposing a redesignation of use of the 28 GHz band from point to point microwave common carrier service to a local multipoint distribution service (LMDS)

Respectfully submitted,

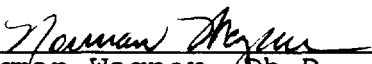
Diocese of San Bernardino

By: Clare Colella
Clare Colella
Director
Electronic Communication

Box Springs Educators' Comments Regarding FCC 92-538 Notice of Proposed Rulemaking and Tentative Decision proposing a redesignation of use of the 28 GHz band from point to point microwave common carrier service to a local multipoint distribution service (LMDS)

Respectfully submitted,

The University of California, Riverside

By: 
Norman Wagner, Ph.D.
Manager, Instructional Television
Media Resources

Box Springs Educators' Comments Regarding FCC 92-538 Notice of Proposed Rulemaking and Tentative Decision proposing a redesignation of use of the 28 GHz band from point to point microwave common carrier service to a local multipoint distribution service (LMDS)

Respectfully submitted,

The San Bernardino Community College District

By: 

Lew Warren
Station Manager
KVCR - TV